

Environmental Protection Agency

§ 52.876

as nonattainment for ozone in 40 CFR part 81. Therefore, the Administrator approves continuation of the 7.8 RVP limit as federally enforceable in the Kansas City metropolitan area, even after the area is redesignated to attainment, because of its nonattainment designation effective January 6, 1992. Also, the requirement for 7.8 psi RVP volatility is deemed necessary to ensure attainment and maintenance of the ozone standard as demonstrated by the emissions inventory projections (based on use of 7.8 psi RVP) in Kansas' ozone maintenance plan for the Kansas City metropolitan area.

(b)[Reserved]

(c) The Administrator approves Rule K.A.R. 28-19-31 as identified at § 52.870(c)(29), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions.

[37 FR 10867, May 31, 1972, as amended at 46 FR 20170, Apr. 3, 1981; 46 FR 61118, Dec. 15, 1981; 57 FR 27939, June 23, 1992; 59 FR 52427, Oct. 18, 1994; 61 FR 16061, Apr. 11, 1996]

§ 52.874 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since authority to make emission data available to the public is inadequate. Kansas Statutes Annotated 65-3015 would require confidential treatment if the data related to processes or production unique to the owner or would tend to affect adversely the competitive position of the owner.

(b) The requirements of § 51.232(b) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) *Kansas City, Kans.-Wyandotte County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated local air quality conservation authority with the same authority as the State (§ 51.230(f) of this chapter).

(2) *Topeka-Shawnee County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated air quality conservation au-

thority with the same authority as the State (§ 51.230(f) of this chapter).

(3) *Wichita-Sedgwick County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated local air quality conservation authority with the same authority as the State (§ 51.230(f) of this chapter).

(c) The requirements of § 51.230(d) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

[37 FR 10867, May 31, 1972, as amended at 39 FR 7281, Feb. 25, 1974; 51 FR 40676, Nov. 7, 1986]

§ 52.875 [Reserved]

§ 52.876 Compliance schedules.

(a) The requirements of § 51.260 and of § 51.15(a)(2) of this chapter as of September 19, 1976 (40 FR 43216), are not met since the plan does not contain legally enforceable compliance schedules setting forth the dates by which all stationary sources or categories of such sources must be in compliance with applicable portions of the control strategy. Paragraphs C and D of Kansas Regulation 28-19-9 specify that all sources not in compliance must submit an acceptable compliance schedule within 120 days after receiving notification from the State. There are no assurances that all sources will be notified by the State in a timely manner, therefore, paragraphs C and D of Regulation 28-19-9 are disapproved.

(b) *Federal compliance schedule.* (1) Except as provided in paragraph (2) of this paragraph (b), the owner or operator of any stationary source subject to any emission regulation which is part of the approved plan shall be in compliance on or before January 31, 1974.

(i) Any owner or operator in compliance with any such applicable regulation on the effective date of this paragraph shall certify such compliance to